

REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 3, 6, 10, 11, 15, and 17-19 are pending in the application. The Applicants have amended claims 3, 6, 10, 11, 15, 17, and 19. Claims 1, 2, 4, 5, 7-9, 12-14, and 16 have been canceled. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Information Disclosure Statement

On Page 2 of the Office Action, the Examiner objected to the IDSs filed on 09/03/2004 and 12/29/2006 for not including legible copies of non-US patent documents. These IDSs are resubmitted herewith, together with legible copies of all non-US patent documents. Approval of the IDSs and consideration of the cited references are respectfully requested.

3.) Drawing Objections

On Page 2 of the Office Action, the Examiner objected to Fig. 1 because it required a "Prior Art" legend. The Applicant has added the "Prior Art" legend to amended Fig. 1 enclosed herewith. A replacement sheet including amended Fig. 1 is enclosed. The Examiner's approval of the drawing change is respectfully requested.

4.) Claim Objections

On Page 2 of the Office Action, the Examiner objected to claim 10 because the acronym PSET was not spelled out. The Applicant has deleted the acronym PSET from the claim. As defined on page 4, line 13-16 of the specification, a PSET is defined as a number of packet data channels. Deletion of the acronym from claim 10 does not alter the meaning of the claim. Therefore, the withdrawal of the objection to claim 10 is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 112

On Page 3 of the Office Action, the Examiner rejected claims 2-3, 6, 14-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, the Examiner stated that the term “scheduling radio resources based on the following parameters” is indefinite because it is not clear whether other parameters could also be used when scheduling resources. The Applicant has amended claim 14 to recite, “scheduling radio resources based on at least the following parameters”. Thus, it is clear that other parameters may also be used when scheduling resources.

Claims 2-3, 6, and 17 were also rejected due to their dependence on claim 14. The Applicant respectfully submits that the amendment to claim 14 makes it clear that the additional parameters recited in claims 2-3, 6, and 17 may also be used when scheduling resources.

Regarding claim 11, the Examiner stated that the empty space between W_i and ΣS_i renders the claim indefinite because it is not clear that multiplication is to be performed. The Examiner suggested that deleting the empty space to produce $W_i \Sigma S_i$ would imply multiplication. The Applicant felt the following would be preferable, and would leave no doubt that multiplication is to be performed: $W_i \cdot \Sigma S_i$. Approval of this amendment is respectfully requested.

A similar amendment has been made to claim 17, which recites the same term.

The Examiner also noted that “S” should be “Si”. The Applicant has made this correction.

Regarding claim 19, the Examiner stated that S_i lacks antecedent basis because base claim 9 recites only S. The Applicant has amended base claim 9 to recite S_i .

For all the above reasons, the withdrawal of the rejections under § 112, second paragraph is respectfully requested.

6.) Allowable Subject Matter

On Page 6 of the Office Action, the Examiner stated that claims 3, 6, 11, 17, and 19 would be allowable if rewritten to overcome the rejections under § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claims 3, 6, 11, 17, and 19 have been rewritten in this manner. Therefore, the allowance of claims 3, 6, 11, 17, and 19 is respectfully requested.

Claim 18 depends from rewritten claim 3. Therefore, the allowance of claim 18 is respectfully requested.

Claim 10 has been amended to depend from rewritten claim 11, and claim 15 has been amended to depend from rewritten claim 17. Therefore, the allowance of claims 10 and 15 is respectfully requested.

7.) Claim Rejections – 35 U.S.C. § 103(a)

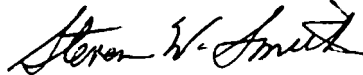
On Page 4 of the Office Action, the Examiner rejected claims 2, 9-10, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Chow et al (US 6,748,220) in view of Onvural, et al. (US PG Pub 2002/0150115). The Applicants have amended certain claims and canceled certain claims so that only claims noted as allowable subject matter (or claims dependent thereon) remain in the application. Therefore, the allowance of all pending claims is respectfully requested.

8.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 3, 6, 10, 11, 15, and 17-19.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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